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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WESTERN WASHINGTON**

**MICHAEL SALVO,**

Plaintiff,

vs.

No. 21-00430-DGE  
**FIRST AMENDED  
COMPLAINT FOR EQUITABLE  
RELIEF AND DAMAGES**

**HORIZON AIR INDUSTRIES, INC.,  
AND ALASKA AIR GROUP, INC.**

**(JURY DEMAND)**

Defendants.

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**I. INTRODUCTION**

1. This is an action arising under the anti-retaliation provisions of Title VII and the Washington Law Against Discrimination and under the common law by Plaintiff Michael Salvo (hereinafter “Plaintiff” or “Salvo”) against his former employers, Horizon Airlines (hereafter “Horizon” or “Defendants”) and Alaska Air

1 Group (hereafter “Alaska Air” or “Defendants”). Defendants employed Plaintiff as  
 2 a Pilot Sim Instructor from August 2016 until his unlawful termination on March  
 3 30, 2018. This action seeks equitable relief, compensatory damages, punitive  
 4 damages, attorney’s fees, expert witness fees, taxable costs of court, prejudgment  
 5 and post-judgment interest for discrimination and retaliation suffered by the  
 6 Plaintiff in the course of his employment with Defendants. Plaintiff alleges that  
 7 Defendants Horizon and Alaska Air engaged in unlawful reprisal for Plaintiff’s  
 8 equal employment opportunity (EEO) and Washington Human Rights Commission  
 9 (HRC) activity and disclosures in furtherance of Washington public policy when  
 10 they retaliated against him and terminated him.

15 2. Defendants’ retaliatory and discriminatory conduct towards Plaintiff  
 16 was in violation of Title VII, 42 U.S.C. § 2000e, et seq. and the Washington Law  
 17 Against Discrimination, codified under RCW 49.60 et seq. Defendants retaliatory  
 18 conduct was also in violation of the common law of the State of Washington.

## 21 II. JURISDICTION

22 3. This action is brought pursuant to Title VII, 42 U.S.C. § 2000e, et seq.  
 23 the Washington Law Against Discrimination, codified under RCW 49.60 et seq.,  
 24 and Washington State common law. This Court has federal question jurisdiction  
 25 under 28 USC § 1331, §1343 (a)(3) and (4), and supplemental jurisdiction over the  
 26 state claims under 28 USC § 1367.

1           4.     Plaintiff has exhausted all administrative procedures required by law  
2 on all of the claims for relief pleaded herein where exhaustion is required. As to  
3 the retaliatory actions against the Plaintiff due to prior protected activity under  
4 Title VII and the WLAD, the Plaintiff has followed the relevant regulations.  
5 Plaintiff filed a complaint of discrimination under EEO Charge Number 38G-  
6 2019-00053 and WSHRC Charge No. 17EZ-0312-18-9.  
7

8  
9           5.     The United States Equal Employment Opportunity Commission  
10 issued a Dismissal and Notice of Rights (hereafter Notice) dated March 21, 2021,  
11 entitling Plaintiff to file an action in this Court for his claims. Plaintiff received the  
12 Notice on March 23, 2021. This suit is timely filed within 90 days of receipt of this  
13 Notice.  
14

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16           6.     The Court also has personal jurisdiction over Defendants since they  
17 regularly conduct business in the State of Washington, and therefore have  
18 minimum contacts with the State of Washington. Alternatively, the Court has  
19 personal jurisdiction over Defendants since the acts giving rise to this suit occurred  
20 within the State of Washington.  
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**III. VENUE**

7. Venue lies in this U.S. District Court under 28 U.S.C. § 1391(b) since a substantial part of the events or omissions giving rise to this cause of action occurred in the Western District of Washington.

**IV. PARTIES**

8. The Plaintiff, Michael Salvo, is an individual and a citizen of the United States and resident of Seattle, in King County, in the State of Washington.

9. The Defendant, Alaska Air Group, Inc. is a corporation organized and existing under the laws of the State of Washington with headquarters in Seattle, WA. It is located at 19521 International Boulevard, Seattle, Washington, 98168. Defendant Horizon is an American regional airline also based in SeaTac, Washington, and owned by Alaska Air Group, Inc. It also has offices at 19521 International Boulevard, Seattle, Washington, 98168. Since 2011, Horizon has operated under a capacity purchase agreement (CPA) business model, whereby it operates and maintains its aircraft while Alaska Air is responsible for scheduling, marketing, and pricing all flights. Horizon issued the paychecks to Plaintiff, but Alaska Air and Horizon controlled, supervised and directed the Plaintiff's day-to-day employment activities and/or terms and conditions of employment. Alaska Air

1 Group required all employees to follow their Code of Conduct and Ethics and  
2 Alaska Air Group extended the employment offer to Plaintiff Salvo.

3  
4 10. Whenever in this Complaint it is alleged that Defendants committed  
5 any act or omission, it is meant that the Defendants' officers, directors, vice-  
6 principals, agents, servants, or employees committed such act or omission and that  
7 at the time such act or omission was committed, it was done with the full  
8 authorization, ratification or approval of Defendants or was done in the routine  
9 normal course and scope of employment of the Defendants' officers, directors,  
10 vice-principals, agents, servants, or employees.

## 13 **V. BACKGROUND FACTS**

14  
15 11. Plaintiff is a pilot and Certified Flight Instructor. He has over thirty  
16 years of experience flying, including on the Boeing 747, 727, DHC-8, Q400, A-10,  
17 and A-37s. Plaintiff has maintained his flight instructor certificate since 1978. He  
18 served for nine years as a U.S. military pilot and flight instructor from 1980-1989.  
19 Northwest Airlines hired Plaintiff in 1984 and made him a Captain in 1999. As a  
20 result of his long career, he has considerable knowledge and experience of  
21 domestic and international airline operations.

22  
23 12. Horizon operates two regional type aircraft, Bombardier Dash 8 Q400  
24 and the Embraer 175. At the time of Plaintiff's employment with the Defendants  
25 in 2017, the U.S. was facing a shortage of pilots. Regional carriers like Horizon  
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1 are often the training grounds and source of recruitment for the major carriers. The  
2 forecast at that time was that more than 42% of active U.S. pilots at the biggest  
3 carriers would retire over the next ten years (roughly 22,000 pilots). The projected  
4 retirements from the major carriers exceeded the active U.S. regional airline pilot  
5 corps (roughly 19,000 pilots).  
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8 13. Pilot shortages have significant implications for an air carrier's profits  
9 and indeed an airline's continuing existence. In 2016 Republic Airways filed for  
10 Chapter 11 bankruptcy protection in part because it had to ground aircraft due to a  
11 lack of pilots. In June 2017, Horizon announced it had to cancel six percent of its  
12 schedule -- more than 300 flights -- from August to September 2017 because it did  
13 not have enough pilots to cover its flights.  
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16 14. At the same time, after the 2009 Colgan Air crash that killed 50  
17 people, new rules on pilot training were put in place. New pilots are required to  
18 have 1,500 hours of flight time before they can earn their air transport pilots  
19 license. This means an additional 1,250 hours pilots must accumulate after getting  
20 their commercial certification.  
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23 15. Defendants are regulated by the Federal Aviation Administration  
24 (FAA). The FAA sets forth regulations that govern the operations of aircraft and  
25 the oversight of pilots in the Federal Aviation Regulations (FARs). These  
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1 regulations set forth specific requirements governing training and pilot and  
2 instructor certifications in 14 CFR part 60 and 61.  
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4 16. Defendants also have published employment policies to implement  
5 federal and state laws. These policies include a 2017 Alaska Air Group Code of  
6 Conduct and Ethics “Code of Conduct” that claims:  
7

8 We are dedicated to providing a positive, respectful and inclusive work  
9 environment where employees feel valued, committed and connected.  
10 We will not tolerate any form of discrimination or harassment that  
11 encourages or could create an offensive, hostile or intimidating work  
12 environment. Harassment can take many forms, such as offensive or  
13 derogatory jokes or slurs; unwelcome gestures or physical contact; or  
14 displaying or circulating derogatory or offensive materials.

15 17. The 2017 Code of Conduct imposes obligations on Defendants  
16 managers to prevent and report harassment:

17 If you manage others, you are responsible for promoting a work  
18 environment where harassment or discrimination is not tolerated.

19 18. Plaintiff began employment with Defendants as a Sim Instructor in  
20 August 2016. In early March 2017, before Plaintiff’s protected disclosures,  
21 Training Director Jeff Sparks praised Plaintiff for his performance noting he was  
22 “right on”. Plaintiff received a raise based upon his performance at the end of  
23 March 2017. He was on track in March 2018 to receive another raise.  
24

25 19. As part of his employment, Plaintiff used Defendants’ Flight Training  
26 Management System, the central repository of each pilots’ training maintained by  
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1 Defendants in part to prove regulatory compliance with FAA requirements for pilot  
2 training. Plaintiff was required to make entries for each simulator session that he  
3 administered. Plaintiff was required to check off each task the student pilot  
4 performed and record whether the pilot was proficient or not.  
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6  
7 20. When Plaintiff began his training, Defendants assigned David  
8 McGraw to train him in the simulator. McGraw was the most senior Q400  
9 instructor at Horizon. McGraw was Plaintiff's simulator instructor for at least eight  
10 periods and was Plaintiff's seat support acting as his First Officer or co-pilot  
11 during Plaintiff's check ride. During this training, McGraw was abusive and  
12 condescending, screamed, would frequently not follow Defendants' training  
13 policies, and would make discriminatory and inappropriate sexual, racial, and  
14 national origin remarks.  
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18 21. On January 9, 2017, a student named Daniel Borg joined Defendants  
19 as a Pilot First Officer and commenced training. Borg was a career firefighter for  
20 26 years and had extensive flight experience prior to joining Defendants. Borg  
21 was also assigned McGraw in the simulator. While McGraw was training Borg,  
22 McGraw again made derogatory slurs and unwelcome gestures based on race,  
23 national origin, and/or sex in front of Borg and his co-workers.  
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1           22. Specifically while training Borg in February 2017, flight instructor  
2 McGraw stated “You better watch your ass in Seattle because there’s nothing but  
3 raghead truck drivers and Ethiopian rampers.” McGraw also made a sexual  
4 gesture to imply masturbation when discussing a work place procedure in front of  
5 Borg.  
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8           23. Borg reported this to Horizon’s then chief pilot Ali Donway in writing  
9 via memorandum dated March 14, 2017, in which Borg detailed the instructor  
10 McGraw’s prohibited employment comments and conduct including his race and  
11 national origin based derogatory slurs and sexual gestures. Borg hand-delivered  
12 the complaint letter to Donway and then had a meeting with her to report his  
13 concerns.  
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16           24. Rather than move to make timely redress of Borg’s concerns or  
17 adhere to the Code of Conduct, Donway told Borg that “she didn’t have time for  
18 this.” Donway also stated that Borg’s experience with the instructor in question  
19 was not unique and “that’s just Mac”. To Plaintiff’s knowledge, Borg’s concerns  
20 were not investigated, and Defendants failed to stop the derogatory slurs and  
21 inappropriate conduct.  
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1           25. Borg's protected activity became known through management,  
2 including when it was discussed in a pilot instructor meeting that Borg had made a  
3 complaint about an instructor.  
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5           26. While Plaintiff Salvo was overseeing Borg as a student, McGraw  
6 called Plaintiff Salvo and instructed Salvo to document Borg's "training events".  
7 Because this was an unusual call for a prior instructor to make, Plaintiff understood  
8 McGraw to be instructing Salvo to take an adverse action against Borg, including  
9 instructing Plaintiff to make a case against Borg so that Borg could not become a  
10 pilot in retaliation for Borg's opposition of McGraw's statements.  
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13           27. Plaintiff then learned from fellow instructor Dave Bayro that Borg had  
14 made a complaint against McGraw for his comments. Bayro suggested to Plaintiff  
15 that Plaintiff make it difficult for Borg, that he adversely document Borg's  
16 training, and that Plaintiff should not send him for his check ride "LOE" because  
17 Borg had filed a complaint against McGraw.  
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20           28. Additionally, after Borg's March 2017 report, Borg's name was  
21 brought up at an instructor meeting. Various attendees made it clear in the meeting  
22 that Borg had filed a complaint about McGraw and that the instructors should not  
23 help him get through training. The lead instructor said nothing to contravene this  
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1 instruction. Later, a fellow instructor told Salvo that the instructor had confronted  
2 another instructor as to why that instructor passed Borg on his check-ride.  
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4 29. In addition to being discriminatory and retaliatory, misstating or lying  
5 about a candidate's performance in his training records would present a regulatory  
6 violation, including a FAA records falsification issue. Purposely adversely  
7 documenting a trainee's performance because the trainee reported concerns would  
8 not only be discriminatory and/or retaliatory, but also would require falsification of  
9 FAA required training records.  
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## 12 VI. PROTECTED ACTIVITIES

13 30. In approximately November 2016, Plaintiff reported McGraw's  
14 discriminatory conduct and statements to Defendants' Director of Training Mark  
15 Goldfischer and Training Manager Jeff Sparks. Rather than seek to investigate and  
16 remediate, Sparks told Plaintiff "there is nothing you can do to change that".  
17  
18

19 31. Throughout March to June 2017, Plaintiff Salvo opposed the unlawful  
20 scheme to retaliate or discriminate against Borg and to commit a regulatory  
21 regulatory violation, including a FAA records falsification issue. After Salvo was  
22 instructed to not assist Borg and to document events against Borg to try to force  
23 Borg to fail and in reaction to Borg's objecting to and/or opposing discriminatory  
24 comments, Plaintiff had Borg for Borg's last LOFT training before Borg's LOE  
25 check ride.  
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1           32. Plaintiff refused to participate in misstating Borg's simulator and  
2 training performance and conduct. Plaintiff based his assessment of Borg based on  
3 Borg's actual performance.  
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5           33. Plaintiff also declined to falsify Borg's assessment in mid-2017.  
6 Instead, he reported Borg had all the proficient grades to allow him to take the  
7 check ride and advised Defendants of the same. Several other instructors chastised  
8 Plaintiff for this oppositional activity. When Plaintiff was questioned as to why he  
9 had recommended Borg for his checkride, Plaintiff stated Borg had objectively met  
10 all the criteria and deserved to pass.  
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13           34. In June 30, 2017, Sparks wrote to Plaintiff about one particular  
14 candidate and told Plaintiff to "make" a particular candidate successful. Sparks  
15 stated "we want him to be here." Because Plaintiff had not received such an  
16 abnormal request on behalf of any other candidate in his time there, and because  
17 the candidate was African-American, Plaintiff was concerned that Sparks was  
18 encouraging Salvo to falsify training records to advantage an African-American  
19 candidate. Plaintiff refused to withhold any truthful negative comments or negative  
20 assessments on the basis of race that were fairly earned by the candidate. Plaintiff  
21 in fact observed said candidate got lots of extra training and special treatment from  
22 others. Salvo refused to discriminate or commit a regulatory violation.  
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1           35. While working in the Horizon Training Department, Plaintiff  
2 observed worsening data issues and report falsification in 2017 to 2018. For  
3 instance, Plaintiff attempted to enter data in the training records of a number of  
4 students. Plaintiff noted that students had been marked as proficient in a maneuver  
5 (such as upset recovery), and yet the students confirmed to him that they had never  
6 performed the maneuver. Plaintiff reported and objected to the falsification of  
7 FAA required records.  
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11           36. Sometimes the data Plaintiff entered was negative and would require  
12 the student receive further training before proceeding on in the curriculum.  
13 Plaintiff was chastised by management for doing this. He observed training records  
14 were changed by one of the clerks after the fact. He also observed that training  
15 events would be deleted and students were rescheduled with another instructor who  
16 would give them good marks and send them on to the next event or check ride.  
17 Plaintiff complained about instructions from management to not enter negative  
18 data about students that could slow down their progression through training.  
19 Plaintiff refused to follow their instructions and leave data out of the individual's  
20 training records. Plaintiff reported and objected to the falsification of FAA  
21 required records.  
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1           37. On December 10, 2017, Plaintiff objected to Horizon Training  
2 Scheduling Pilot Jennifer Portis and FTMS Manager Caysie Duax about the  
3 unlawful operation of the Flight Training Management System (FTMS). He noted  
4 that for a particular student that day, the score had been already filled in and had  
5 been done under Plaintiff's name. Plaintiff reported that this was not legal, and he  
6 would not participate in signing off on scores he did not report or observe.  
7 Plaintiff reported and objected to the falsification of FAA required records.  
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11           38. Shortly after Plaintiff's email, Director of Training Tristan Anderson  
12 called Plaintiff to discuss the illegality of FTMS. Plaintiff repeated his concern  
13 about Defendants' illegal FTMS system and said Defendants were deleting  
14 Plaintiff's data and trying to get Plaintiff to sign off on maneuvers Plaintiff did not  
15 do with the student. Plaintiff reported, objected to, and refused to engage in, the  
16 falsification of FAA required records.  
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19           39. In this same timeframe, Plaintiff also reported to Anderson in this  
20 time frame the preferential treatment for certain pilots in the form of extra training,  
21 including extra sim time, that other students were not afforded. Plaintiff expressed  
22 concern that the trainee would not be listed for the event, and thus the event for the  
23 trainee would not be logged. Extra training and unlogged training present potential  
24 safety issues where a student's negative habits or trends in training may be missed  
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1 because they were unlogged. Anderson did not seek to remediate the issue, but  
2 instead told Plaintiff that he had bigger things to worry about.  
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4 40. In January 2018, at an instructors meeting, Plaintiff reported to Mark  
5 Braeger the issues with FTMS, the preferential treatment for certain pilots in the  
6 form of extra training, including extra sim time, sometimes unlogged, that other  
7 students were not afforded, and the lack of training in upset recovery. While  
8 speaking with Braeger, Plaintiff observed Anderson give Plaintiff an angry look.  
9 Plaintiff thus reported potential air safety concerns and discrimination.  
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12 41. In January 2018, Plaintiff had to complete a sub-standard pilot  
13 progress report. Such report is not a common occurrence for Plaintiff, but he  
14 observed a student pilot to have been so out of compliance with training  
15 requirements that he was concerned the problem was systemic. Plaintiff thus  
16 raised concerns about potential air safety issues.  
17  
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19 42. Based on Plaintiff's observations, the training lapses were getting  
20 worse in 2017. Chief Instructor Steve Bossom contacted Plaintiff on January 10,  
21 2018 in response to Plaintiff's report and told Plaintiff that it looked like the  
22 student had never been held accountable up to that point, which was alarming  
23 because prior instructors should have caught and documented the deficiencies.  
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1           43. After Plaintiff's objections to Portis and Duax, on approximately  
2 February 2018, Supervisor Jeff Sparks told Plaintiff not to enter remarks about his  
3 simulator sessions in the students' training records. Sparks told Plaintiff that they  
4 would learn it "in the airplane". Plaintiff objected to this instruction and continued  
5 to enter comments so he could fully and accurately record each pilot's training, as  
6 required by the FAA. Plaintiff reported and objected to the potential air safety  
7 issue and interference in his completion of FAA required records.  
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11           44. On March 27, 2018, Plaintiff had just completed a simulator session  
12 with two students and entered data for the students that included some critical  
13 comments. As soon as Plaintiff entered the data, Portis contacted Plaintiff and told  
14 him she deleted his data.  
15

16           45. Plaintiff objected to Portis deleting his data and then informed Portis  
17 that he intended to contact the FAA regarding the data integrity and training issues  
18 he had previously identified. He then filed an Aviation Safety Report complaint  
19 with the FAA regarding Defendants' failure to follow the FAA approved training  
20 program. Based on his understanding of Aviation Safety Reports, the Defendants  
21 receive notification of the filing of such report. In fact, Plaintiff referenced the  
22 upset recovery maneuver in his filing, and shortly thereafter Bossom sent out an  
23 email to the employees regarding upset recovery.  
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1           46. On March 28, 2018, Plaintiff notified Training Manager Diana Higbee  
 2 (who was previously under, and then replaced, Jeff Sparks) that he intended to  
 3 meet with the Equal Employment Opportunity Commission concerning the work  
 4 environment at Horizon. The notification of filing a complaint about the work  
 5 environment at Horizon and retaliation for refusing to participate in the employers'  
 6 scheme to alter FAA records not only constituted EEO protected activity, but also  
 7 constituted notification of "about to provide" the Government information relating  
 8 to any violation or alleged violation of any order, regulation or standard of the  
 9 FAA or any other provision of federal law relating to air carrier safety.  
 10

11           47. On March 30, 2018, Plaintiff contacted Check Airman John  
 12 Dittmore, who reported to Jeff Sparks, to schedule a time to raise concerns about  
 13 Defendants' training failures.  
 14

15           48. On February 12, 2019, the FAA Flight Standards Service notified  
 16 Plaintiff that they completed its investigation of his air carrier safety allegations  
 17 and substantiated that a violation of an order, regulation or standard of the FAA  
 18 related to air carrier safety occurred. Almost a year later, on January 2, 2020, the  
 19 FAA sent a second letter reversing their prior determination.  
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## 25           **VIII. ADVERSE ACTIONS**

26           49. Defendants subjected Plaintiff to a hostile work environment, where  
 27 they failed to address or remediate the inappropriate comments from McGraw,  
 28

1 harassed him for not complying with their scheme against Borg, instructed him to  
 2 fail to record information in his training records, or to sign off on entries he did not  
 3 make or perform, and/or deleted his information from the system.  
 4

5 50. On March 31, 2018, Plaintiff received a notice of termination of his  
 6 employment for pretextual reasons of “performance” and “employee engagement”.  
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## 9 IX. CAUSES OF ACTION

### 10 A. FEDERAL CAUSE OF ACTION: RETALIATION IN VIOLATION 11 OF TITLE VII

12 51. Plaintiff realleges the above paragraphs.  
 13

14 52. The above acts are separate and continuing violations of Title VII of  
 15 the 1964 Civil Rights Act, as amended, 42 U.S.C §2000e et seq.  
 16

17 53. In retaliating against and terminating Plaintiff for opposing and  
 18 complaining about national origin, race, and/or sex discrimination, the Defendant  
 19 violated Title VII of the 1964 Civil Rights Act, as amended, 42 U.S.C §2000e et  
 20 seq.  
 21

22 54. Plaintiff (a) engaged in a protected activity by opposing what he  
 23 reasonably believed to be discrimination based on sex, national origin and/or race,  
 24 which is an unlawful employment practice under Title VII; (b) suffered the hostile  
 25 work environment and the adverse employment decision of termination, as set  
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1 forth above, and (c) because a substantial contributing factor to this treatment and  
 2 termination was consideration of plaintiff's protected activity, there exists a causal  
 3 link between his protected activity and the adverse actions.  
 4

5 55. Defendants' termination of Plaintiff caused his actual, economic,  
 6 noneconomic, compensatory and special damages including but not limited to (a)  
 7 damage to his career and his ability to obtain the highest-level employment within  
 8 his industry; (b) lost wages, income and benefits; (c) damage to his professional  
 9 reputation and interruption of his demonstrated work history; and (d) ongoing  
 10 mental and emotional distress, humiliation, embarrassment, loss of self-esteem,  
 11 and diminution in his enjoyment of life.  
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15 **B. STATE CAUSE OF ACTION: VIOLATION OF THE WASHINGTON**  
 16 **LAW AGAINST DISCRIMINATION**

17 56. Plaintiff realleges the above paragraphs.

18 57. The above acts are separate and continuing violations of Washington  
 19 Law Against Discrimination.  
 20

21 58. In retaliating against and terminating Plaintiff, Defendants violated  
 22 the Washington Law Against Discrimination, as codified in the RCW 49.60.  
 23

24 59. Plaintiff was opposing what he reasonably believed to be retaliation  
 25 on the basis of EEO and WSHRC protected activity and (2) a substantial factor in  
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1 the decision to terminate was Plaintiff's opposing what he reasonably believed to  
 2 be discrimination.

3  
 4 60. Defendants' termination of Plaintiff caused his actual, economic,  
 5 noneconomic, compensatory and special damages including but not limited to (a)  
 6 damage to his career and his ability to obtain the highest-level employment within  
 7 his industry; (b) lost wages, income and benefits; (c) damage to his professional  
 8 reputation and interruption of his demonstrated work history; and (d) ongoing  
 9 mental and emotional distress, humiliation, embarrassment, loss of self-esteem,  
 10 and diminution in his enjoyment of life.

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 14 **C. STATE CAUSE OF ACTION: WRONGFUL DISCHARGE IN**  
 15 **VIOLATION OF PUBLIC POLICY**

16 61. Plaintiff incorporates all of the foregoing allegations herein.

17 62. There is a clear public policy applicable herein; discouraging the  
 18 conduct in which Plaintiff engaged would jeopardize that public policy; and the  
 19 public-policy-linked conduct caused Plaintiff's dismissal. Plaintiff refused to  
 20 commit an illegal act; Plaintiff exercised a legal right or privilege; and/or Plaintiff  
 21 reported employer misconduct.

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 23  
 24 63. The State of Washington through its own legislation and through  
 25 implementation of federal law and regulations, and in its case law has clearly  
 26 articulated public policies regarding: (a) the protection of human life; (b)

1 encouraging employees to report employer wrongdoing; and (c) protecting  
 2 employees from retaliation when they report employer wrongdoing.  
 3

4 64. These public policies are clearly articulated in a number of legislative  
 5 and judicial sources, including but not limited to the following legislative and  
 6 judicial sources: *Ellis v. City of Seattle*, 142 Wash.2d 450, 13 P.3d 1065 (2000),  
 7 stating the protection of human life is a fundamental and clear public policy  
 8 recognized in multiple legislative and judicial sources; *Gardner v. Loomis*  
 9 *Armored Inc.*, 128 Wn. 2d at 936, finding an employer contravened public policy  
 10 when it terminated an employee who went to the aid of a citizen facing imminent  
 11 harm or death; aviation safety requirements, designed to protect the flying public,  
 12 including the residents of Washington; the Washington State Whistleblower Act,  
 13 which prohibits the state from taking action against its whistleblower employees;  
 14 and Section 519 of the Wendell Ford Aviation Investment and Reform Act for the  
 15 21<sup>st</sup> Century, protecting employees in the airline industry who report violation of  
 16 order, rule or regulation relating to air carrier safety;  
 17

18 65. Plaintiff engaged in particular conduct directly related to or necessary  
 19 to enforce the clear mandate of these clearly articulated public policies.  
 20

21 Discouraging the particular conduct engaged in by the Plaintiff would jeopardize  
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1 the clear mandate of public policies stated above; and other means of promoting  
2 the clear mandate of public policies above are inadequate.  
3

4 66. The Plaintiff reasonably believed that Defendants' conduct as  
5 described above had violated and was continuing to violate laws and regulations  
6 regarding (a) the protection of human life; (b) legislation encouraging employees  
7 to report employer violations of the law to the employer or appropriate state and  
8 federal regulatory agencies; and (c) legislation protecting employees who did  
9 report employer violations of the law to the employer or state and federal  
10 regulatory agencies.  
11  
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13 67. The above referenced adverse actions against the Plaintiff were  
14 intended by the Defendants to discourage him from engaging in protected activity,  
15 including contact with regulators, to further the referenced public policies.  
16  
17 Retaliation against the Plaintiff because of his protected activity was the cause  
18 and/or a substantial motivating factor in the Defendants' decision to terminate him  
19 from his employment.  
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22 68. Defendants' stated justification for Plaintiff's termination was false  
23 and/or pretextual, and the termination of Plaintiff from his employment was  
24 wrongful under the common law of the State of Washington.  
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69. The Defendants' wrongful termination of the Plaintiff caused him the injury and damages referenced above.

## VII. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the Defendants and for all relief at law or equity to which Plaintiff is entitled, including but not limited to:

A. Reinstatement to his employment with Defendant, and if reinstatement is not ordered, then front pay for a period of at least five years, including bonuses and benefits;

B. Upon reinstatement, an injunction to the Defendant to remediate the hostile work environment, harassment and intimidation to which it subjected Plaintiff;

C. Back pay for all lost wages and benefits, including lost bonuses, and any other compensation, and reimbursement for lost pension, insurance, and all other benefits;

D. Economic damages for injury to Plaintiff's career, professional reputation and earning capacity, in an amount to be determined at trial;

E. Non-economic damages for mental and emotional distress, embarrassment and humiliation, in an amount to be determined at trial;

1 F. Expungement of written warnings, reprimands, negative performance  
2 appraisals and other derogatory information and references which have been  
3 placed in the Plaintiff's personnel file;  
4

5 G. Posting of a notice to Defendants' employees indicating that the  
6 Defendants have been ordered to comply with the anti-retaliation provisions, and  
7 to make appropriate restitution to the Plaintiff;  
8

9 H. Reasonable costs and attorney's fees, together with all other relief  
10 available from law and equity, including the costs of expert witnesses;  
11

12 I. An order that Defendants provide a neutral employment reference to  
13 include dates of employment, job title, and final wage rate, to all potential  
14 employers regarding Plaintiff in the event reinstatement is not ordered; and  
15

16 J. Pre-judgment and post-judgment interest as allowed by law.  
17

18 DATED: April 1, 2022

19 Respectfully submitted,  
20

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